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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/509,810

09/30/2004

John Zimmerman

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER

BAIG, SAHAR A

ART UNIT

PAPER NUMBER

2424

MAIL DATE

DELIVERY MODE

08/18/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/509,810	Applicant(s) ZIMMERMAN ET AL.	
	Examiner SAHAR A. BAIG	Art Unit 2424	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 June 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 6-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. In view of the Appeal Brief filed on 06/02/2010, PROSECUTION IS HEREBY REOPENED.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/Christopher Kelley/

Supervisory Patent Examiner, Art Unit 2424.

Response to Arguments

2. Applicant's arguments with respect to claims 1-3 and 6-17 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 1-3 and 10-16 rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. US Patent Publication No. 2001/0018771 in view of Gerba et al. US Patent Publication No. 5,931,908 in further view of Macrae et al. US Patent Publication No. 2002/0059602.

Regarding Claim 1 and 16, Walker discloses a method for providing complementary information for a video program, Figure 4 comprising: receiving complementary information for a video program S7; receiving a query from a consumer, the query related to a specified portion of the complementary information [S8 Note ID and timing data is specific]; providing a query response to the consumer based on the specified portion of the complementary information [Feedback loop S5 - S8]. Walker, however, fails to disclose the limitation wherein prior to receiving a query, the processor anticipates complementary information that might be requested by the consumer in response to said received complementary information and consumer profile data collected and stored in user data tables, and storing said anticipatory complementary information, and wherein, in response to the query, the processor retrieves the stored anticipatory complementary information and provides the retrieved anticipatory

complementary information as the query response. In an analogous art, Gerba discloses a system for linking real-time data with audiovisual content to enable a user to make selections, manipulate data, and to execute functions interactively through an audiovisual display unit based upon audiovisual content being displayed at the time. In particular, Gerba teaches anticipating complementary information that might be requested by the consumer in response to said received complementary information and storing said anticipatory complementary information **[Col. 3 lines 1-30]**. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to include this limitation so that the expected relevant complimentary information is readily available to the user. Still the combined teachings of Walker and Gerba fail to disclose anticipating information that might be requested by the user in response to the consumer profile data collected and stored in user data tables. In an analogous art, Macrae discloses a system for displaying additional information related to the currently watched program. In particular, Macrae teaches creating and analyzing user's profile information to help customize supplemental information [0053 & 0057]. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to include Macrae's teachings in Walker's system to provide narrowed and more specific complementary information to the user based on the user profile.

Regarding Claim 2 and 17, Walker discloses a method further comprising:

Art Unit: 2424

determining whether a predetermined amount of time has passed since the complementary information was updated in the video program; and retrieving updated information from at least one external data source when the predetermined amount of time has passed since the complementary information was updated [0064].

Regarding Claim 3, Walker discloses a method comprising receiving complementary information directly from the video program [0045].

Regarding Claim 6-8, Macrae discloses a method wherein the consumer profile data stored includes the identified video programs that were determined to have been previously viewed by the consumer [0053].

Regarding Claim 10 and 15, Official Notice is taken on the use of a dual screen output device. It would have been obvious to one of ordinary skill in the art to display complementary information regarding a video program on the same or a different screen.

Regarding Claim 11 and 14, Gerba discloses a method comprising providing a visual indicator to notify the consumer that complementary information is available upon request [Col. 5 lines 37-40].

Regarding Claim 12 Walker discloses a method comprising receiving from the consumer an identification of complementary information as delayed complementary information and providing the delayed complementary information to the consumer at a later time [0018 This method allows the supplemental information to be synchronized to a live broadcast television program or a pre-recorded video tape program, such as a rented movie or a time-shifted playback of a television program. Therefore the synchronized supplemental information is being provided at a later time along with the video program].

Regarding Claim 13, Walker discloses that the user query comprises one of a who query, a what query, a where query, a when query, a why query and a how much query [0021].

5. Claims 9 rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. US Patent Publication No. 2001/0018771 in view of Gerba et al. US Patent Publication No. 5,931,908 in further view of Macrae et al. US Patent Publication No. 2002/0059602 in further view of Basu US Patent No. 6,219,640.

Regarding Claim 9, the combination of Walker Gerba and Macrae discloses all of the claimed limitation except extracting complementary information from the video program using automatic person identification. In an analogous art, Basu

Art Unit: 2424

discloses a technique for person identification using visual and audio information associated with arbitrary video content to provide improved speaker recognition [Col. 1 lines 52-61]. It would have been obvious to one of ordinary skill in the art to use Basu's teachings in recognizing an actor in a video program so that actor specific supplemental information can be provided.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SAHAR A. BAIG whose telephone number is (571)270-3005. The examiner can normally be reached on Monday-Friday (8:00 - 4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 10/509,810
Art Unit: 2424

Page 8

/Christopher Kelley/
Supervisory Patent Examiner, Art
Unit 2424

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